In re application of Claude Ray et al.	)	**Date: May 21, 2008**
	)	
Serial No.: 10/824, 827	)	**Group Art Unit: 3677**
	)	
Filed: 04/15/2004	)	**Examiner: Reese, David C.**
	)	
For: Jewelry Item with Rotating Gemstone	)	
	)	
	)	

Hon. Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, Virginia 22313

Via EFS

APPEAL BRIEF

I.

Real Party In Interest

The real party in interest is Joseph C. Koll, co-applicant and assignee.

II.

Related Appeals and Interferences

None.

III.

Status of Claims

Claims 1-5 and 7-10 have been canceled; claim 6 was previously withdrawn and canceled while claims 11-14, and 17, and 19-20 were finally rejected and are

being appealed. Claim 18 was deemed allowable. Claims 15 and 16 were deemed directed to a non-elected species and were involuntarily withdrawn by the examiner, the withdrawal likewise being appealed herein.

IV.

Status of Amendments

None.

V.

Summary of the Claimed Subject Matter

The present invention as claimed in independent claim 11 includes a jewelry item with a rotating gemstone comprising a substantially hollow housing 1 having an upper end 2 and a lower end 3, (p. 5, lines 17-19); a bezel 6 rotatably mounted on the upper end of said housing; a gemstone 8 mounted on said bezel; a motor means 14 received within said housing for automatically rotating said bezel and said gemstone at a predetermined, discrete speed; (p. 6, lines 2-7); a gear assembly including a plurality of gears driven by said motor means and operably connected to said bezel, (p.7, lines 11-12); said gears having a predetermined, precise gear ratio for rotating said bezel at a discrete speed, wherein said gear assembly further includes a drive gear 32 connected to said motor means, an intermediate gear 36 engaging said drive gear, (p. 7, lines 13-18); said intermediate gear having an

upper surface with a sprocket 37 extending therefrom (p. 8, lines 1-2) and a bezel gear 43 connected to said bezel and engaging said sprocket.(p. 8, lines 11-12).

Claim 12, which depends from claim 11, defines said discrete speed as being between 2 and 4 revolutions per minute. (p.8, lines 18-19, p.9, lines 1-2). Claim 13, which depends from claim 11, defines the motor means as a quartz movement motor 14. (p. 6, lines 8-10).

Claim 14, which depends from claim 13, further defines the motor means as including an integrated circuit 61 for controlling speed and torque of said quartz movement motor. (p. 7, lines 6-7). Claim 15, which likewise depends from claim 13, defines the quartz movement motor as including a casing 15 having an outer edge 18 with an indention 19 thereon, said indention substantially aligned with an opening on an outer wall 20 of said housing, said indention having at least one electrical contact therein, said electrical contact electrically connected to said motor; (p. 6, lines 8-19).

Claim 16 depends from claim 15 and adds a switch 22 hingedly secured at a first end 23 to said housing, said switch carrying a battery 26 thereon, said switch having a free end 24 which is pivotal towards and away from said housing to selectively position said battery against said contact. (p. 6, lines 14-19; p. 7, lines 1-3).

Claim 17 depends from claim 11 further includes a lower spacer plate 33 superimposed on said drive gear, said spacer plate having an aperture 34 with said drive gear 32 received therein. (p. 7, lines 13-15). Claim 18 also depends from claim 11 and further adds a bezel attachment mechanism including a neck 56 projecting upwardly from said bezel gear, said neck having a peripheral lip 60; said bezel receiving said neck, said bezel including a circumferential slot 59 positioned beneath said lip; a clip 58 received within said slot to retain said bezel on said neck. (p. 9, lines 8-15).

Claim 19 depends from claim 17 and further narrows the lower spacer plate as having a depression 35 thereon that receives said intermediate gear.(p.7, lines 17-18). Claim 20 depends from claim 19 which further adds an upper spacer plate 38 superimposed on said lower spacer plate with said intermediate gear positioned therebetween. (p. 8, lines 3-4).

VI.

Grounds of Rejection to be Reviewed on Appeal

Whether claims 11-12 are patentable under 35 U.S.C. 103(a) over U.S. patent no. 4,764,850 issued to Albanese in view of U.S. patent no. 6,592,423 to Boyle, whether claims 17, 19-20 are patentable under 35 U.S.C. 103(a) over U.S. patent no. 4,764,850 issued to Albanese in view of U.S. patent no. 6,592,423 to

Boyle in further view of Hartman, whether claims 13-14 are patentable under 35 U.S.C. 103(a) over U.S. patent no. 4,764,850 issued to Albanese in view of U.S. patent no. 6,592,423 to Boyle in further view of U.S. pat. no. 6,209,242 issued to Marshall.

VII.

Argument

A. Claims 11-12 are Patentable under 35 U.S.C. 103(a) over U.S. Pat. No. 4,764,850 issued to Albanese in view of U.S. patent no. 6,592,423 issued to Boyle

The examiner rejected claims 11 and 12 under 35 U.S.C. §103(a) in light of the patents to Albanese and Boyle. To establish a prima facie case of obviousness, the examiner must establish, inter alia, that the references *teach or suggest* all claim limitations. M.P.E.P. § 2143.03. (Emphasis added). In applying 35 U.S.C. 103, the following factors should be considered:

1. The claimed invention must be considered as a whole;

2. The references must be considered as a whole and must suggest the *desirability* and thus the obviousness of making the combination;

3. The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention, and;

4. Reasonable expectation of success is the standard with which obviousness is determined. M.P.E.P § 2141, citing *Hodosh v. Block Drug Co., Inc.*, 786 F.2d 1136, 1143 (Fed. Cir. 1986).

A statement that modifications of the prior art were well within the ordinary skill of the art because the references cited teach that all of the features are individually known does not establish a prima facie case of obviousness *without some objective reason to combine the teachings of the references.* (Emphasis added). M.P.E.P. § 2143.01, citing *Ex Parte Levengood*, 28 U.S.P.Q. 2d 1300 (B.P.A. I. 1993). The fact that the prior art could be modified in a manner suggested by the examiner did not make modification obvious unless prior art suggested the desirability of the modification. *In re Fritch*, 972 F.2d 1260(Fed. Cir. 1992).

Boyle discloses a rotating, holographic toy, and in no way relates to jewelry. Furthermore, in spite of the examiner's assertions otherwise, the device of Boyle does not disclose the interrelation of gears as claimed, nor does it or Alabanese suggest any specific gear ratio for rotating the design element at a specific speed, as claimed. The examiner concludes that Boyle discloses the claimed gear mechanism as defined in Claim 11 by citing elements 62, 64, 66 and 68, which pertain to a gear train. However, the reference does not suggest combining such a

gear train with a bezel gear as claimed to form a rotating jewelry item that will provide the purported advantages of the present invention. The claimed invention includes said intermediate gear having an upper surface with a sprocket extending therefrom and a bezel gear connected to said bezel and engaging said sprocket. The device of Boyle contains no bezel and no bezel gear. The examiner's basis for the obviousness rejection is that Albanese discloses a bezel gear 33 connected via 18 to a bezel 42. The elimination of the pin or any other connection between the bezel gear and bezel or any of the other gears is one of the critical advantages of the gear system according to the present invention that allows it to be compactly installed within a jewelry item.

Applicants' gear system and drive motor assembly required many years of design to achieve the proper torque and movement that could be produced on an item as minuscule as jewelry. The claimed gear assembly allows the gears and sprockets to be sized accordingly, while achieving the torque necessary to rotate stones weighing as much as 3.5 g. The relative weight being rotated by the quartz movement motor is much higher than that of conventional quartz movement applications, which is precisely the reason that jewelry having quartz movement motors for rotating a jewel stone do not exist in the prior art. In fact, the examiner has failed to produce a single reference that discloses a quartz movement motor for

rotating a jewelry despite numerous searches of the prior art. Both the enhanced torque and compactness are mandatory in order to successfully achieve a quartz type movement on a jewelry item. The interrelation of gears is the result of specific design criteria after years of research and are not simply rearrangement of parts already existing in the prior art. Furthermore, the examiner has made no showing whatsoever how Boyle suggests adding its gear arrangement to a jewelry item to achieve the results of the present invention. The examiner merely concludes that because the elements exist separately, their combination is obvious. Such reasoning is clearly the type of hindsight reconstruction that is forbidden by Levengood, supra. "It is perfectly well settled that a new combination of elements, old in themselves, but which produce a new and useful result, entitles the inventor to the protection of a patent." *Expanded Metal v. Bradford*, 214 U.S. 366 (1909)

Both the Federal Circuit and many lower courts have frequently warned against the use of such hindsight in determining obviousness. An "invention must be viewed not with the blueprint drawn by the inventor, but in the state of the art that existed at the time." *Interconnect Planning Corp. V. Feil*, 774 F. 2d. 1132, 1138 (Fed. Cir. 1985).

"It is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed

invention is rendered obvious....This court has previously stated that 'one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.'" *In re Fritch*, 972 F. 2d 1260 (Fed. Cir. 1992).

"Decomposing an invention into its constituent elements, finding each element in the prior art, and then claiming that it is easy to reassemble these elements into the invention, is a forbidden *ex post* analysis." *In Re Mahurkar Patent Litigation*, 831 F. Supp. 1354 (N.D. Ill. 1993), *affirmed*, 71 F. 3d 1573 (Fed. Cir. 1995).

In *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, (Fed.Cir.1985), the court provided that:

> "35 U.S.C. § 103 requires that obviousness be determined with respect to the invention as a whole. This is essential for combination inventions, for generally all combinations are of known elements. When prior art references require selective combination by the court to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight gleaned from the invention itself. There must be 'something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the

combination."

"Critical to the analysis is an understanding of the particular results achieved by the new combination. The claims here at issue are directed to a combination of known components of telephone systems in an admittedly new way to achieve a new total system. Neither the district court in its opinion, nor the defendants, identified any suggestion in the prior art that the components be combined as they were by Feil or that such combination could achieve the advantages of the Feil system."

The examiner has merely broken down the claimed invention into its individual components, and purportedly located each element in a reference. And the examiner concludes that, because the elements exist, reassembling them to form the claimed jewelry item is obvious. Such hindsight reconstruction is clearly improper and is forbidden by the mandates set forth by the Federal Circuit.

Not only is the claimed combination not disclosed or suggested in the prior art, the device of Boyle is non-analogous art. For example, in *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992), the applicant claimed an improvement in a hose clamp which differed from the prior art in the presence of a preassembly "hook" which maintained the preassembly condition of the clamp and

disengaged automatically when the clamp was tightened. The Board relied upon a reference, which disclosed a hook and eye fastener for use in garments, reasoning that all hooking problems are analogous. The court held the reference was not within the field of applicant's endeavor, and was not reasonably pertinent to the particular problem with which the inventor was concerned because it had not been shown that a person of ordinary skill, seeking to solve a problem of fastening a hose clamp, would reasonably be expected or motivated to look to fasteners for garments. MPEP §2141.01(a). Likewise, a jeweler looking to create jewelry having a quartz movement for slowly, smoothly and continuously rotating a gemstone, would not be expected or motivated to look to a rotating holographic toy, particularly considering that implementing the gear assembly of Boyle would not function as does the claimed invention, because such gear system neither includes nor suggests its combination with a bezel and bezel gear to create a rotating jewelry item. Such combination is particularly inventive in light of Boyle considering that the reference is silent as to the design basis for the gear mechanism, gear ratios, rotation speeds, or rotating heavy stones with minute, nearly weightless gear mechanisms mounted within a confined space.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based

on applicant's disclosure. *In re Vaeck,* 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). The prior art is devoid of any suggestion or teaching of the gear assembly in combination with a motor and/or the jewelry stone.

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). The examiner has not presented a convincing line of reasoning as to why the applicant could readily combine a rotating toy with a solar powered rotating display unit to form the claimed gear system.

Such reasoning is clearly the type of impermissible hindsight that is prohibited by *Levengood*, supra. Inasmuch as virtually every invention is a combination of existing elements, such reasoning would render virtually all inventions unpatentable.

A reference is analogous if 1) it is within the field of the inventor's endeavor or, if not, 2) it is reasonably pertinent to the particular problem with which the

inventor was involved. *In re Deminski*, 796 F. 2d 436 (Fed. Cir. 1986). In applying the aforementioned two-part test, the Federal Circuit addressed a similar obviousness rejection as the one at issue herein. In *In Re Clay*, 966 F. 2d 656 (Fed. Cir. 1992), the PTO had rejected a claimed process for storing a liquid hydrocarbon product in a storage tank having a dead volume between the tank bottom and its outlet port. The process included preparing a solution that gels when placed in the dead space, and later adding a gel degradation agent when the gel is to be removed. The PTO rejected the claims as being obvious in light of a reference disclosing an apparatus for displacing dead space liquid using bladders, in view of a second reference which disclosed a process for reducing the permeability of hydrocarbon bearing formations using a gel similar to that of the applicant's invention. The Board considered the gel reference to be pertinent because the gel would have a number of applications including its combination with the bladders to store in a tank dead space.

The Federal Circuit reversed. First, the court determined that the cited gel reference was not within the inventor's field of endeavor. "The reference cannot be considered to be within [the inventor's] field of endeavor merely because both relate to the petroleum industry... [The inventor's] field of endeavor is the storage of refined liquid hydrocarbons. The field of endeavor of [the reference] invention,

on the other hand, is the extraction of crude petroleum." Id. At 659.

Next, the court determined that the cited reference is not reasonably pertinent to the inventor's problem.

> "A reference is reasonably pertinent if, even though it may be in a different field from that of the inventor's endeavor, it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his problem. Thus, the purposes of both the invention and the prior art are important in determining whether the reference is reasonably pertinent to the problem the invention attempts to solve. If a reference disclosure has the same purpose as the claimed invention, the reference relates to the same problem, and that fact supports use of that reference in an obviousness rejection. An inventor may well have been motivated to consider the reference when making his invention. If it is directed to a different purpose, the inventor would accordingly have had less motivation or occasion to consider it."

The court then concluded that, because the reference was concerned with plugging formation anomalies and recovering oil from rock, it was not reasonably pertinent to applicant's problem of preventing loss of stored product to dead tank volume. "A person having ordinary skill in the art would not reasonably have

expected to solve the problem of dead volume in tanks for storing refined petroleum by considering a reference dealing with plugging underground formation anomalies." Id. At 659-660.

Likewise, in this matter, applicant's field of endeavor is jewelry. Boyle's field of endeavor is a rotating holographic toy. It in no way whatsoever involves jewelry, or any matter relating thereto. Accordingly, the cited Boyle reference is not within the applicant's field of endeavor.

Furthermore, the Boyle reference is not reasonably pertinent to the problem that applicant's invention is purporting to solve. The gear mechanism according to the present invention precisely rotates a gemstone using a gear mechanism that is stored within a compact space as described above. The patent to Boyle is concerned with a rotating holographic toy that produces a three dimensional illuminated image. It does not remotely deal with applicant's problem of precisely rotating a gemstone on a jewelry item according to the present invention. As in *In Re Clay*, the "purpose" of Boyle is completely different than the "purpose" of the claimed invention.

B. Claims 17, 19-20 Are Patentable under 35 U.S.C. 103(a) over U.S. Patent No. 4,764,850 Issued to Albanese in View of U.S. Patent No. 6,592,423 to Boyle in Further View of Hartman

Claim 17 includes a lower spacer plate superimposed on said drive gear, said spacer plate having an aperture with said drive gear received therein. In rejecting the claim, the examiner states that "Hartman further teaches of both a lower spacer plate (21b) and upper spacer plate, said plates (21b, 21a), superimposed upon one another. It is impossible for two elements to be superimposed upon one another. Superimposed is defined as one thing being positioned above another; a first plate cannot be physically atop another plate if the other plate is physically atop the first plate.

Furthermore, elements 21a and 21b in Hartman are merely ribs within a housing for containing and supporting a circuit, the drive mechanism 26 and a cup 32. The structure in no way relates to spacer plates for tiered, interrelated gears.

The examiner further states that Hartman includes a drive gear (24) received within an aperture (36b) of the lower spacer plate and an intermediate gear 28a positioned within the upper 21a and lower 21b spacer plate. However, gear 24 is not received within aperture 36b, but is instead superimposed thereon. In addition, element 21b is not superimposed on element 24; instead element 24 is superimposed on element 21b. The combination of sprockets, gears, and spacer plates with an aperture and an indention for receiving a respective gear allow for a compact arrangement of gears that produce significant torque. Again, the examiner

is redesigning the device of Hartman with the benefit of applicant's disclosure to create the claimed invention, when the claimed interrelation of parts is otherwise not suggested.

Claim 19 further defines the lower spacer plate as having a depression thereon that receives said intermediate gear. In rejecting the claim, the examiner states that "(i)t would have been obvious to one skilled in the art to have the intermediate gear fitted within an (*sic*) depression within the lower spacer plate, in order to gain the commonly understood benefits of such a modification, such as decrease sizes, increased reliability and support, and simplified operation of the intermediate gear." The examiner cited no reference in support of the obviousness rejection of claim 19 as it pertains to the depression.

Official notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known. As noted by the court in *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970), the notice of facts beyond the record which may be taken by the examiner must be "capable of such instant and unquestionable demonstration as to defy dispute" (citing *In re Knapp Monarch Co.*, 296 F.2d 230, 132 USPQ 6 (CCPA 1961)). It would not be appropriate for the examiner to take

official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. For example, assertions of technical facts in the areas of esoteric technology or specific knowledge of the prior art must always be supported by citation to some reference work recognized as standard in the pertinent art. *In re Ahlert*, 424 F.2d at 1091, 165 USPQ at 420-21. See also *In re Grose*, 592 F.2d 1161, 1167-68, 201 USPQ 57, 63 (CCPA 1979). It is never appropriate to rely solely on "common knowledge" in the art without evidentiary support in the record, as the principal evidence upon which a rejection was based. *Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697. See MPEP §2144.03.

The examiner has failed to show how the claimed depression is a recognized equivalent in the field of rotating jewelry. Accordingly, pursuant to MPEP §2144.03, applicant hereby demands that the examiner provide documentary evidence in support of his assertion of Official Notice.

Regardless of the Official Notice, the examiner's assertion is incorrect. The specification clearly explains that the claimed design allows the drive gear teeth to directly engage the intermediate gear teeth while the two components **are lying in the same horizontal plane**. The spacer plate design provides depth compactness while interrelating the gears, which is mandatory when incorporating the

components within a small device such as jewelry, while providing structural integrity therefor. See the original specification, p. 7, lines 14-19; p. 8, lines 1-2.

Claim 20 further adds that the upper spacer plate is superimposed onto the lower plate with the intermediate gear positioned therebetween. The examiner states that Hartman includes "an upper spacer plate (21a) and a lower spacer plate (21b) superimposed upon one another, which, as set forth above, is impossible.

C. Claims 13-14 Are Patentable in Light of Albanese, supra, Boyle, supra, in View of U.S. Patent No. 6,209,242 Issued to Marshall

Claims 13 and 14 directed toward the quartz movement motor were rejected under 35 U.S.C. 103(a) based on the patents above in view of Marshall. The claimed invention includes a quartz motor which provides an extremely accurate electronic movement utilizing the natural frequency of vibrations of a quartz crystal to regulate rotation. A gearing mechanism in combination with such a quartz motor has never been heretofore successfully designed to achieve the advantages of the present invention. Though Marshall discloses a quartz movement motor, it does not suggest using a quartz motor for rotating a gemstone on a jewelry item. As stated above, the ability to do so before the invention of the claimed subject matter did not exist. Furthermore, the device is unrelated because it pertains to a rotating display, and not rotating a gemstone on a jewelry item.

(See discussion, supra).

The examiner notes that Marshall teaches the use of an integrated circuit for controlling speed and torque of said quartz movement motor, referencing column 2, line 61. A review of the cited provisions reveals merely that "In a quartz oscillator, the extremely regular mechanical vibrations of a quartz crystal control corresponding electrical vibrations in a coupled electronic circuit..." The patent does not disclose or suggest the use of an integrated circuit with a quartz movement motor to control the speed and torque of the motor.

D. Claims 15-16 Are Allowable because they depend from Generic Claim 11, which is allowable for reasons set forth above.

Claim 15 depends from claim 14 and claim 16 depends from claim 15. Claim 14 is generic. Because claim 14 is allowable for the reasons stated, supra, claims 15 and 16 should not have been withdrawn and are allowable.

E. Conclusion

In conclusion, none of the references cited herein disclose a jewelry item containing the uniquely designed gear system for rotating a gemstone according to the claimed invention. In rejecting the claims, the examiner has applied references within a non-analogous art, and has improperly applied such references by ignoring claimed interrelation of parts where the claimed interrelation is not

disclosed, even by the non-analogous references. The examiner has also repeatedly asserted that claimed combinations are obvious because each component within the claimed invention previously existed, without showing that combining the existing components is obvious. The examiner's reasoning is clearly employing the use of impermissible hindsight.

VIII.

Claims Appendix

Claim 11. A jewelry item with a rotating gemstone comprising:

a substantially hollow housing having an upper end and a lower end;

a bezel rotatably mounted on the upper end of said housing;

a gemstone mounted on said bezel;

a motor means received within said housing for automatically rotating said bezel and said gemstone at a predetermined, discrete speed;

a gear assembly including a plurality of gears driven by said motor means and operably connected to said bezel, said gears having a predetermined, precise gear ratio for rotating said bezel at a discrete speed, wherein said gear assembly further includes a drive gear connected to said motor means, an intermediate gear engaging said drive gear, said intermediate gear having an upper surface with a sprocket extending therefrom and a bezel gear connected to said bezel and engaging said sprocket.

Claim 12. The jewelry item according to claim 11 wherein said discrete speed is between 2 and 4 revolutions per minute.

Claim 13. The jewelry item according to claim 11 wherein said motor means includes a quartz movement motor.

Claim 14. The jewelry item according to claim 13 wherein said motor means further comprises an integrated circuit for controlling speed and torque of said quartz movement motor.

Claim 15. The jewelry item according to claim 13 wherein said quartz movement motor includes a casing having an outer edge with an indention thereon, said indention substantially aligned with an opening on an outer wall of said housing, said indention having at least one electrical contact therein, said electrical contact electrically connected to said motor;

Claim 16. The jewelry item according to claim 15 further comprising a switch hingedly secured at a first end to said housing, said switch carrying a battery thereon, said switch having a free end which is pivotal towards and away from said housing to selectively position said battery against said contact.

Claim 17. The jewelry item according to claim 11 further comprising a lower spacer plate superimposed on said drive gear, said spacer plate having an aperture with said drive gear received therein.

Claim 18. The jewelry item according to claim 11 further comprising:

a neck projecting upwardly from said bezel gear, said neck having a peripheral lip;

said bezel receiving said neck, said bezel including a circumferential slot

positioned beneath said lip;

a clip received within said slot to retain said bezel on said neck.

Claim 19. The jewelry item according to claim 17 wherein said lower spacer plate includes a depression thereon that receives said intermediate gear.

Claim 20. The jewelry item according claim 19 further comprising an upper spacer plate superimposed on said lower spacer plate with said intermediate gear positioned therebetween.

IX

Evidence Appendix

None.

X.

Related Proceedings Appendix

None.

Respectfully submitted,

/kenneth l. tolar/

Kenneth L. Tolar
Registration No. 39,860
Telephone No. (504) 780-9891